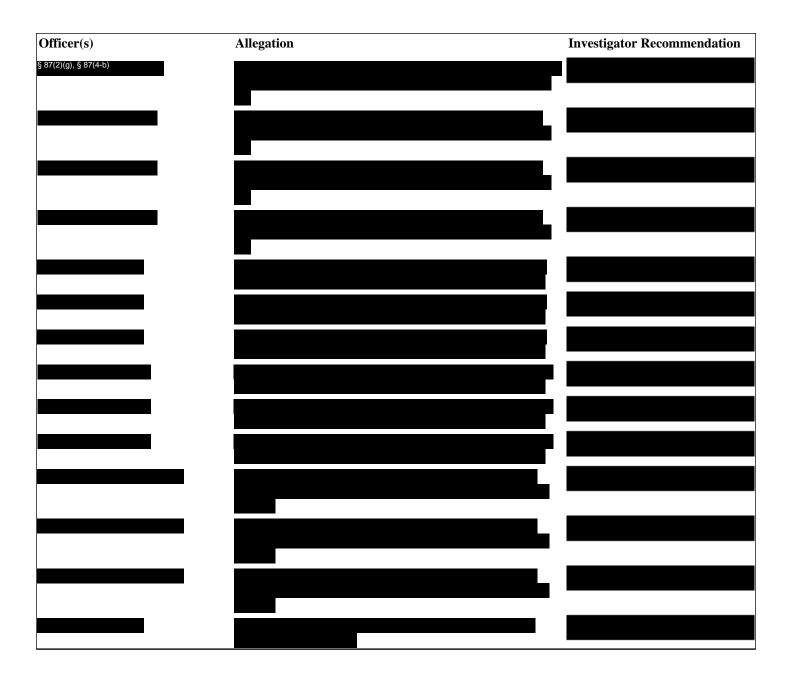
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ F	Force	☑ Discourt.	☐ U.S.
Greg Finch		Squad #9	201903133	☑ A	Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Pre	ecinct:	18 Mo. SOL	EO SOL
Tuesday, 04/02/2019 5:30 PM		In front of § 87(2)(b)			123	10/2/2020	5/19/2021
Date/Time CV Reported		CV Reported At:	How CV Reporte	d: D	Date/Time	Received at CCl	RB
Wed, 04/03/2019 8:12 PM		IAB	Phone	Т	hu, 04/11	/2019 11:08 AM	1
Complainant/Victim	Type	Home Addr	ress	•			
Subject Officer(s)	Shield	TaxID	Command				
1. POM Steven Esposito	02289	950387	NARCBSI				
2. POF Devin Shanley	05242	957155	NARCBSI				
3. POM Ryan Cackowski	07411	951576	NARCBSI				
4. DT3 Jelson Goyco	02019	926897	NARCBSI				
5. DT3 Michael Sigismondi	2181	952237	NARCBSI				
Officer(s)	Allegatio	on			Inve	stigator Recon	nmendation
A.POM Steven Esposito		olice Officer Steven Es	sposito stopped § 87(2	2)			
B.POM Steven Esposito	Abuse: P	olice Officer Steven Es	sposito stopped (b)	2)			
C.POM Steven Esposito	Abuse: P	olice Officer Steven Es	sposito stopped § 87(2	2)(b)			
D.POM Ryan Cackowski	Abuse: D	etective Ryan Cackow	rski stopped § 87(2)(b)				
E.POM Ryan Cackowski		etective Ryan Cackow					
F.POM Ryan Cackowski	Abuse: D	etective Ryan Cackow	rski stopped <sup>§ 87(2)(b)</sup>				
G.DT3 Jelson Goyco	Abuse: D	etective Jelson Goyco	stopped § 87(2)(b)				
H.DT3 Jelson Goyco	Abuse: D	etective Jelson Goyco	stopped § 87(2)(b)				
I.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco stopped §87(2)(b)						
J.POF Devin Shanley	Abuse: Detective Devin Shanley stopped §87(2)(b)						
K.POF Devin Shanley		etective Devin Shanley					
L.POF Devin Shanley		etective Devin Shanley					
M.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi stopped (b)						
N.DT3 Michael Sigismondi	Abuse: D	etective Michael Sigis	mondi stopped (8 87(2)	)			
O.DT3 Michael Sigismondi	Abuse: D	etective Michael Sigis	mondi stopped § 87(2)	)(b)			
P.DT3 Jelson Goyco	Abuse: D	etective Jelson Goyco s use of a recording de	interfered with (b) vice.	2)			

Officer(s)	Allegation	<b>Investigator Recommendation</b>
Q.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco interfered with s use of a recording device.	
R.POM Steven Esposito	Abuse: Police Officer Steven Esposito failed to provide with a business card.	
S.POM Steven Esposito	Abuse: Police Officer Steven Esposito failed to provide with a business card.	
T.POM Steven Esposito	Abuse: Police Officer Steven Esposito failed to provide with a business card.	
U.POM Ryan Cackowski	Abuse: Detective Ryan Cackowski failed to provide with a business card.	
V.POM Ryan Cackowski	Abuse: Detective Ryan Cackowski failed to provide with a business card.	
W.POM Ryan Cackowski	Abuse: Detective Ryan Cackowski failed to provide with a business card.	
X.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco failed to provide with a business card.	
Y.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco failed to provide with a business card.	
Z.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco failed to provide with a business card.	
2A.POF Devin Shanley	Abuse: Detective Devin Shanley failed to provide (b) with a business card.	
2B.POF Devin Shanley	Abuse: Detective Devin Shanley failed to provide (b) with a business card.	
2C.POF Devin Shanley	Abuse: Detective Devin Shanley failed to provide with a business card.	
2D.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi failed to provide with a business card.	
2E.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi failed to provide with a business card.	
2F.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi failed to provide with a business card.	
2G.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco refused to provide his name to \$87(2)(b)	
2H.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco refused to provide his shield number to \$87(2)(b)	
2I.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco refused to provide his shield number to § 87(2)(b)	
2J.DT3 Jelson Goyco	Discourtesy: Detective Jelson Goyco spoke discourteously to \$87(2)(b)	
2K.DT3 Jelson Goyco	Discourtesy: Detective Jelson Goyco spoke discourteously to \$87(2)(b)	
2L.DT3 Jelson Goyco	Discourtesy: Detective Jelson Goyco spoke discourteously to \$87(2)(b)	
	§ 87(2)(g), § 87(4-b)	

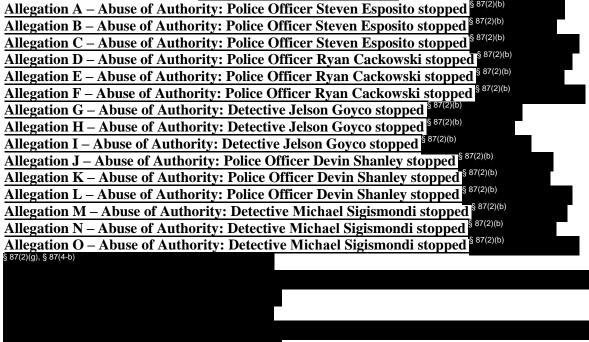


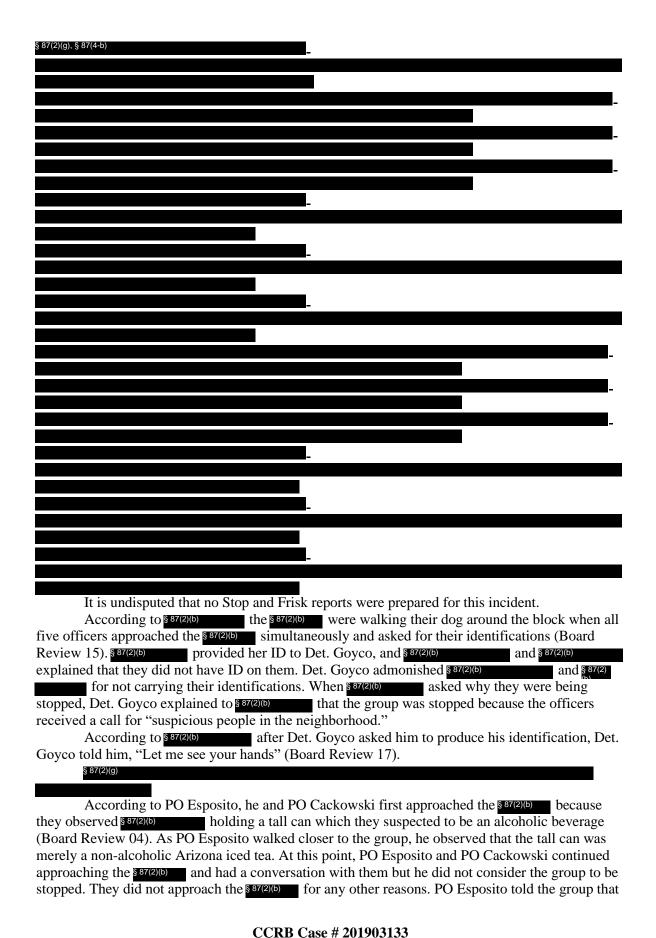
Case	Summary
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On April 3, 2019, §87(2)(6) filed this complaint over the phone with IAB on behalf
of herself and her adult sons, \$87(2)(b) and \$87(2)(b) generating log #19-13600. On
April 11, 2019, the CCRB received the case.
On April 2, 2019, at approximately 5:30 p.m., \$87(2)(b) and \$87(2)(b)
were walking in the vicinity of \$87(2)(6) in Staten Island. Police Officer Ryan
Cackowski, Police Officer Steven Esposito, Detective Jelson Goyco, Police Officer Devin Shanley
and Detective \$87(2)(b) Sigismondi of Narcotics Borough Staten Island stopped \$87(2)(b)
and §87(2)(b) (Allegations A - O: Abuse of Authority – Stop:
Det. Goyco allegedly interfered with \$87(2)(b) s and \$87(2)(b) s use of
a recording device (Allegations P and Q: Abuse of Authority – Interference with recording:
PO Esposito, PO Cackowski, Det. Goyco, PO Shanley and Det. Sigismondi
failed to provide the \$87(2)(b) with business cards (Allegations R - AF: Abuse of Authority –
Failure to provide RTKA card: \$87(2)(9) Det. Goyco allegedly refused to provide his name
to \$87(2)(b) (Allegation GG: Abuse of Authority – Refusal to provide name: \$87(2)(9) Det.
Goyco refused to provide his shield number to \$87(2)(b) (Allegation AH: Abuse of Authority
- <b>Refusal to provide shield number:</b> S87(2)(9) Det. Goyco allegedly refused to provide his
shield number to §87(2)(b) (Allegation AI: Abuse of Authority – Refusal to provide
shield number: S87(2)(9) Det. Goyco spoke discourteously to
$\S^{87(2)(b)}$ and $\S^{87(2)(b)}$ (Allegations AJ - AL: Discourtesy – Word: $\S^{87(2)(g)}$
(g), <b>§</b> 87(4-
b) \
No
summonses or arrests were effected

The investigation obtained cell phone video footage which partially captured this incident (Board Review 01, Board Review 02, Board Review 14). None of the officers were equipped with BWCs at the time of the incident.

## Findings and Recommendations





the officers were in the area looking for narcotic activity. PO Esposito did not recall any questions or conversation between him and the civilians, including if he asked the civilians for their identification. PO Esposito did not consider the strong to be stopped. PO Esposito did not recall any discussion of a 911 call for a group of suspicious individuals. After an unknown period of time, Det. Goyco, PO Shanley, and Det. Sigismondi arrived in a separate vehicle. PO Esposito could not recall any conversations between the civilians and these officers or if he or Det. Cackowski relayed any information about the incident to these officers upon their arrival. He recalled that these officers were "just standing around."

PO Cackowski's statement is consistent with PO Esposito's (Board Review 03).

Det. Goyco was driving with PO Shanley and Det. Sigismondi when he saw PO Esposito and PO Cackowski speaking with the \$57(2)(5) on the sidewalk. Det. Goyco believed this interaction to be a stop, and he exited his car and approached them. Before being presented with cell phone video, Det. Goyco did not recall if he asked \$57(2)(5) or \$57(2)(

Det. Sigismondi stated that upon approaching the encounter, he, PO Shanley, and Det. Goyco only observed and took no other actions. They did not discuss the purpose of the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the stop with PO Esposito or PO Cackowski. PO Shanley stated

this incident (Board Review 01). The video starts with \$87(2)(b) placing the phone on the ground mid-interaction with the officers. At three seconds into the video, a voice is heard saying, "Do you have ID on you?" and "What's your name?" In the video, Det. Goyco chastises \$37(2)(b) and \$37(2)(b) for not carrying ID on them. Det. Goyco acknowledged that the voice belonged to him. At three minutes and 13 seconds into another cell phone video provided by (Board Review 02), \$37(2)(b) is heard asking the reason for the stop. An officer responds, "From a call." The officer continues to explain that people call anonymously all the time. When \$37(2)(b) asks for more details about the call, the officer says, "Three suspicious people walking on the block. We get that shit all the time." During his CCRB statement, Det. Goyco acknowledged that the voice was his and explained that he was broadly explaining that he received calls for suspicious people generally, not specifically for this incident.

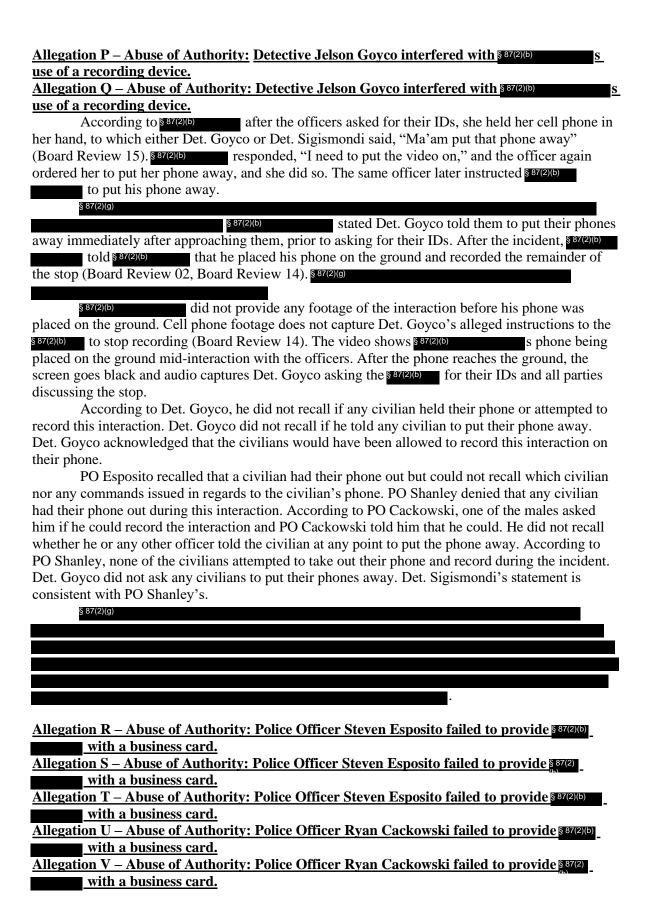
According to NYPD documentation, PO Shanley performed a warrant search for during this incident (Board Review 20). The Memo Books of PO Esposito, PO Cackowski, PO Shanley and Det. Sigismondi all list this incident as a stop (Board Review 10, Board Review 25). The Event Summary did not include any call for suspicious individuals (Board Review 24).

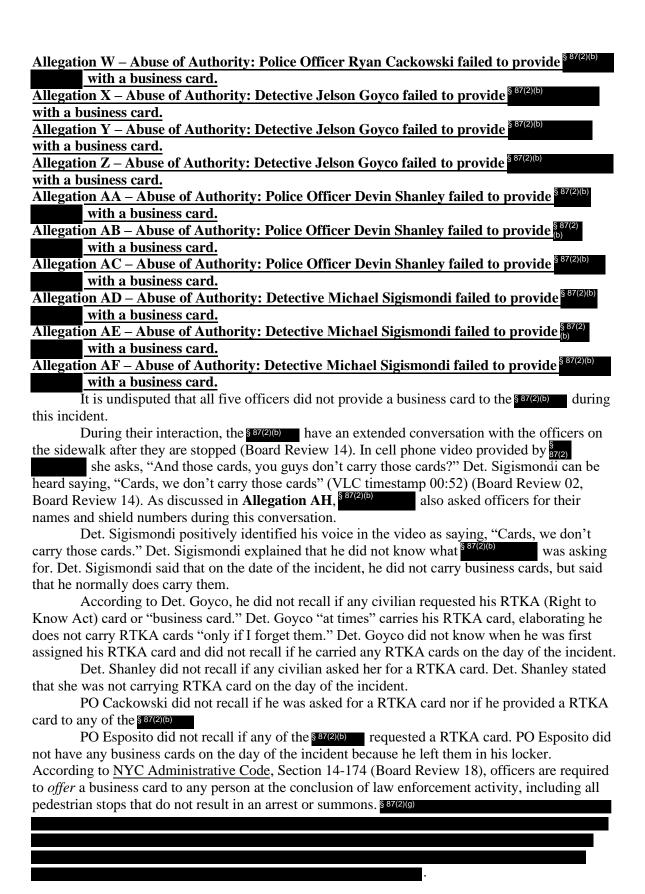
"A stop occurs when an officer exerts a "significant interruption [of the] individual's liberty of movement." People v. DeBour, 40 N.Y. 2d 210 (1976) (Board Review 08). To stop an

individual, an officer must have reasonable suspicion that the individual is committing, has committed or is about to commit a crime. People v. Bora, 83 NY 2d 531 (1994) states that an interaction constitutes a stop when a reasonable person would believe, under the circumstances, that the officer's conduct is a significant limitation on his or her freedom of movement. A stop requires either physical force or, if there is no physical force, a submission to the assertion of authority. Determining whether a stop occurred involves a consideration of all the facts and a weighing of their individual significance: was the individual prevented from moving, how many verbal commands were given, what was the content and tone of the commands, how many officers were involved, and where the encounter took place. Patrol Guide Procedure 212-11 also states that officers are required to file a stop and frisk report each time they conduct a Level Three stop on an individual that does not lead to an arrest.

As per <u>Bora</u>, if officers do not use force to stop an individual, an individual is stopped when they submit to an officer's assertion of authority, and this can be considered weighing factors including if individuals were prevented from moving, how many verbal commands were given, what was the content and tone of the commands, how many officers were involved and where the encounter took place. constitutes a stop when a reasonable person would believe, under the circumstances, that the officer's conduct is a significant limitation on his or her freedom of movement.

The encounter took place on a public sidewalk as the \$87(2)(b) were walking their dog
around their block. \$87(2)(9)
As discussed in <b>Allegation Q</b> , video footage shows that street placed his phone on the ground after the request for IDs and retrieved his phone from the ground after the
conclusion of the interaction. § 87(2)(9)
PO Esposito and PO Cackowski, who claimed to be the first two on scene, both acknowledged that they began to approach due to a suspicion of an open container but determined that the container was not alcohol prior to approach. Det. Goyco stated that he only wanted to "know who he was talking to." The only other stated reason for the stop was a call of suspicious people, as noted by civilians and seen in video footage. All officers denied or did not recall any 911 call for suspicious individuals and the Event Summary did not include any call for suspicious people immediately prior to the incident. §87(2)(9)
§ 87(2)(g), § 87(4-b)





Allegation AG – Abuse of Authority: Detective Jelson Goyco refused to provide his name to
According to \$87(2)(b) he asked Det. Goyco for his name and he did not provide it.  According to \$87(2)(b) all five officers provided their names verbally to \$87(2)(b)
which \$ 87(2)(b) could hear \$ 87(2)(g)
As depicted in \$87(2)(b) s provided video, all five officers verbally provide their last names to \$87(2)(b) (VLC timestamp 02:00) (Board Review 02). This interaction occurs after Det. Goyco and \$87(2)(b) rejoin the group.
Det. Goyco did not recall if any civilian asked for his name during this incident or if he provided his name to any civilian.  § 87(2)(9)
Allegation AH – Abuse of Authority: Detective Jelson Goyco refused to provide his shield
On cell phone video provided by \$87(2)(b) she can be heard saying, "Before I leave, I need names and shield numbers" (VLC timestamp 00:44) (Board Review 02, Board Review 14). Det. Goyco responds, "I'm gonna get them to you." Later in the same video, all five officers verbally provide their last names to \$87(2)(b) (VLC timestamp 02:00). The video continues to the end of the interaction as it captures officers leaving the scene, and the video does not capture
any officer saying their shield number.  According to \$37(2)(0) asked all five officers for their names and shield numbers. \$37(2)(0) did not recall if any other officer provided their shield number to \$37(2)(0)
According to \$37(2)(b) told officers, "My father always told me if I got into another incident with police officers again to get your names and shield numbers, so can I have them please." All the officers verbally provided their names to \$37(2)(b) which \$37(2)(b) could also hear.
Det. Goyco and PO Esposito did not recall if any civilian asked for their shield numbers. PO Cackowski, PO Shanley and Det. Sigismondi acknowledged that \$87(2)(6) asked for their shield numbers. Det. Goyco, PO Esposito, PO Cackowski and Det. Sigismondi did not recall if they provided their shield numbers to any civilian. When presented audio of \$87(2)(6) asking Det. Sigismondi for his shield number, Det. Sigismondi said that he did not hear this request on scene.  Patrol Guide Section 203-09 (Board Review 19). Officers will courteously and clearly state
their shield numbers to anyone who requests they do so, and allow the person ample time to note this information. Officers will do this upon the conclusion of the encounter.
Allegation AI – Abuse of Authority: Detective Jelson Goyco refused to provide his shield number to \$87(2)(b)
According to \$87(2)(b)  Det. Goyco and \$87(2)(b)  walked away from the stop towards \$87(2)(b)  During this walk, he asked Det. Goyco for his shield number.
Det. Goyco pulled his shield from his quilted jacket and displayed it, but the shield was 'flipped'

the wrong way, so \$87(2)(b) could not read the shield number. This interaction is not captured on any of the cell phone footage provided by the civilians (Board Review 14).
\$87(2)(b) were not in a position witness this interaction between
Det. Goyco and \$87(2)(b) \$87(2)(g)
Det. Goyco did not recall if § 87(2)(b) asked for his shield number, and did not
recall if he provided his shield number to \$87(2)(b)  The remaining officers would not have
been in a position to hear §87(2)(b) s request.
§ 87(2)(g)
·
Allegation AJ – Discourtesy: Detective Jelson Goyco spoke discourteously to \$87(2)(b)
Allegation AK – Discourtesy: Detective Jelson Goyco spoke discourteously to \$87(2)(b)  Allegation AL – Discourtesy: Detective Jelson Goyco spoke discourteously to \$87(2)(b)
Anegation AL - Discourtesy. Detective Jeison Goyco spoke discourteously to sales
On cell phone videos provided by the \$87(2)(b) Det. Goyco says to the \$87(2)(b) "We
don't fucking know," (VLC timestamp 00:54) (Board Review 01) "We get that shit all the time,"
(VLC timestamp 03:27) and "I don't even know the fucking family" (VLC timestamp 04:18)
(Board Review 02, Board Review 14).
Det. Goyco positively identified his voice in the cell phone video. When asked why he use
profanity with the \$87(2)(b) Det. Goyco said he did not know why he made these comments and explained that he used the word "fucking" because "it's just the way [he] talk[s]."
Patrol Guide Section 200-02 (Board Review 23). Officers will respect the dignity of each
individual and render our services with courtesy and civility. <u>DAO-DCT Disciplinary Case No.</u>
2018-18951 (Board Review 22). Officers always have the responsibility to act with decorum while
speaking with civilians; gratuitous use of profanity is unprofessional.
§ 87(2)(g)
•
§ 87(2)(g), § 87(4-b)
<u> </u>
·
Civilian and Officer CCRB Histories
• \$87(2)(6) has been party to one prior CCRB complaint and has been named as a victim
of one allegation:
○ § 87(2)(b)
· CODD
• \$87(2)(6) has been party to two prior CCRB complaints and has been named as a
victim of three allegations:
y <del>, 1000</del> .

0	§ 87(2)(b)		
§ 87(2)(b)	_	rty to one prior CCRB complair	nts and has been named as a
victim (	of one allegation: §87(2)(b)		
	byco has been a member ints and 26 allegations.	er-of-service for 19 years and ha	s been a subject in 12 CCRB
Ó	In case #201509224, t	he Board substantiated a physicand Discipline B. The NYPD im	
	osito has been a memb int to which he has bee	er-of-service for eight years and an a subject.	this is the first CCRB
		nber-of-service for eight years a gation, which was not substantia	
• Det. Sig		ember-of-service for eight years	
	nley has been a member int to which she has be	er-of-service for five years and t en a subject.	his is the first CCRB
with the	December 10, 2019, the	ion, Civil and Criminal Histor and Se7(2)(6) declined to the has been no Notice of Claim for fice (Board Review 12).	o mediate this case.
Squad No.:	9		
Investigator:	Inv. Greg Finch Signature	Inv. Greg Finch Print Title & Name	08/21/2020  Date
Squad Leader:	Monique West	IM Monique West Print Title & Name	9/1/2020 Date
Reviewer:		Drint Title & Nome	Doto
•	Signature	Print Title & Name	Date